

Notice of Allowability

Application No.

09/806,789

Applicant(s)

ANTEBI ET AL.

Examiner

Art Unit

Uyen-Chau N. Le

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/18/2007.
2. ☒ The allowed claim(s) is/are 139-167, 190, 192-198, 203-205, 277, 278, 280-284, 286-289, 291 and 293-295.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 09/18/2007.

Allowable Subject Matter

2. Claims 139-167, 190, 192-198, 203-205, 277, 278, 280- 284, 286-289, 291 and 293-295 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Applicant's arguments have been fully considered and are persuasive. Atsmon et al discloses a smart card 10 comprising: a memory 30 for storing information; at least one transmitting or receiving antenna [32, 33], suitable for transmitting or receiving acoustic signals; and a low frequency circuit, adapted to handle transmission of information from the memory, or reception of information for storage in the memory, via the antenna on an acoustic carrier, wherein the information is modulated on the acoustic carrier at a frequency of between 5 kHz and 100 kHz (figs. 1 and 3A-3B; col. 8, lines 17-67; col. 9, line 60 through col. 11, line 45). However, Atsmon is a continuation in part of the PCT application PCT/IL99/00525, which is a national phase of the instant application. Therefore, Atsmon cannot be considered prior art. No double patenting.

The prior art of records to Carroll et al, Yokota et al, Hartkon, Gunnarsson, Yokoyama et al, Nikolich, Rodal et al, Cole et al, Pavlov, Nitta, Nerlikar, Mainguet, Bauerschmidt, Moon et al, Prasad et al, Nagata et al, Weatherill, Pitroda, Iwamatsu, Blinn et al, Kelsey and all other cited

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references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method of a smart card comprising, among other things, a low frequency circuit, adapted to handle transmission of information from the memory, or reception of information for storage in the memory, via said antenna on an acoustic carrier, wherein said information is modulated on the acoustic carrier at a frequency of between 5 kHz and 100 kHz or between 5kHz and 30 kHz, respectively as set forth in the claimed combinations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Walton et al (US 4918416 A); Taniguchi et al (US 4670746 A); Stephan (US 5831520 A); How et al (US 5854589 A) are cited as of interest and illustrate a similar structure to a CARD FOR INTERACTION WITH A COMPUTER.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Uyen-Chau N. Le
Primary Examiner
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September 28, 2007